

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MOORE ET AL.	Examiner:	D. ENGLAND
Serial No.:	09/742,795	Group Art Unit:	2143
Filed:	DECEMBER 20, 2000	Docket No.:	14917.0556US01/124930.01
Title:	METHOD AND SYSTEM FOR ENABLING OFFLINE DETECTION OF SOFTWARE UPDATES		

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**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(d))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. § 1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. § 1.311 or after any other action that closes prosecution on the application, but before the payment of the issue fee.

Payment is being made via credit card in the amount of \$180.00 to cover the required fee for a large entity. Please charge any additional fees or credit any overpayment to Deposit Account. No. 13-2725. This statement is submitted as certified below under 37 C.F.R. §1.97(e)(2) by the undersigned.

**Certification Under 37 C.F.R. §1.97(e)(2)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that no item of information listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned after making a reasonable inquiry, no item of information listed on the enclosed

Form 1449 was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

Applicants note that U.S. Publication No. 2005/0203968 (hereinafter “the ‘968 publication”), which has the same assignee as the pending application, was cited in the Notice of Allowance listed on the enclosed Form 1449. The ‘968 publication has a filing date of March 12, 2004. Therefore, the ‘968 publication is not prior art to the pending application. Accordingly, the ‘968 publication is not listed on the enclosed Form 1449.

No representation is made that a reference is “prior art” within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not “prior art.” Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612/332-5300

Date: October 6, 2008

/Robert A. Kalinsky/  
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Reg. No. 50,471  
RAK/JKS:rlk

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PATENT TRADEMARK OFFICE